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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,633	01/09/2006	Jose Wilson Pereira Filho	3129-7194US	7522
24247	7590	05/02/2008		
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			EXAMINER MULLEN, THOMAS J	
			ART UNIT 2612	PAPER NUMBER
			NOTIFICATION DATE 05/02/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

Office Action Summary	Application No. 10/535,633	Applicant(s) PEREIRA FILHO, JOSE WILSON	
	Examiner Thomas J. Mullen, Jr.	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/22/06</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. At the top of page 1 of the specification, identification of this application as a national stage entry of PCT/BR02/00159 should be made.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

In particular, the phrase "electronic distancing alert system" is vague as to the nature of the particular distance-related condition(s) being responded to by the "alert"; perhaps "distancing" would be clearer as --distance--, --distance-exceeding--, --out of range--, etc.

3. The abstract of the disclosure is objected to because (referring to the copy of the Abstract on the front page of the WIPO or PCT publication, as to the line numbers given below):

on line 1, "One describes an" would be clearer as simply, --An--; and

on line 9, "It is also described" would be clearer as, --Also described is--.

Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities:

page 1, line 4, it is unclear what is meant by "sensitive" (perhaps e.g. "vibration", "tactual", etc. would be closer to what is intended);

page 1, line 6, "that integrate it" is vague as to what is being "integrated" (i.e., by the transmitting and receiving units);

page 1, lines 13-14, after "sharing" should be inserted --of--;

page 1, line 22, it appears that "theft of" should be --theft or--;

page 2, line 1, it appears that "advantage" should be --disadvantage--;

page 5, lines 6-7, "a encoder" should be --an encoder--;

page 5, line 29, it appears that "a system" should be --one system--;

page 7, line 6, it appears that after "MHz" should be inserted --crystal-- (note lines 4-5 by comparison);

page 7, line 27, it appears that "during 985ms" would be clearer as --for 985ms--;

page 8, line 8, "a alert" should be --an alert--;

page 9, line 1, "longer that" should be --longer than--;

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page 9, line 10, before "CI23" should be inserted --integrated circuit--;

page 9, line 11, it is unclear what is meant by "that predetermined one";

page 9, line 28, it appears that "foreseen" would be clearer as --shown--, or something similar;

page 10, line 4, it appears that "A16" should be --A26--;

page 10, lines 25-26, it is unclear from "connected and close to each other" if the transmitting unit 10 and receiving unit 20 literally have to be "connected" (e.g. plugged in) to each other as part of the phase synchronism process; and

page 13, line 3, it appears that "bring" should be --brings--.

Appropriate correction is required.

5. (i) The drawings are objected to because in block 13 of Fig. 1 and in block 23 of Fig. 2, the terms "Encolder" and "Decolder" should be --Encoder-- and --Decoder--, respectively.

(ii) The drawings are objected to because in Fig. 3, there is descriptive matter (too small to be legible) next to several circuit elements, which it appears should be deleted (many of these circuit elements are already provided with clear reference characters, e.g. "R26", "D7", etc.).

(iii) The drawings are objected to because in Fig. 4, there is a block-shaped element within the area denoted by reference numeral 21, the block having a symbol(s) or letters therein which are too small to be legible, such that it is unclear what type of element is being represented by the block.

(iv) The drawings are objected to because in Fig. 4, there is a dark spot within the area denoted by reference numeral 26, just above element D26, and it is unclear if this dark spot represents a further operative element of the figure.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. Claims 1-35 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 17, after "second control circuit" it appears that "(24)" should be --(22)-- (note the last line of the claim by comparison).

In claim 1, line 18, it appears that "turned inoperable" would be clearer as --turned off--.

In claim 10, line 3, it appears that "a fraction of time" would be clearer as --a fraction of a time period--, or something similar.

In claim 14, "the integrated circuit (CI13) of the encoder (13)" lacks antecedent basis; note the dependency of the claim, and note claim 2.

In claim 17, "the alert triggering circuit (27)" lacks clear antecedent basis (note claim 1, line 9).

In claim 18, "the first control voltage (ΔV)" lacks antecedent basis.

In claim 19, lines 1-2, "the comparison means" lacks clear antecedent basis.

In claim 19, last 4 lines, it appears that each occurrence of "to" (one occurrence on each line) should be deleted, as the recited elements following these occurrences appear merely to be additional elements of the "electronic circuit (26)" (line 2), the first recited element of which is the "operational amplifier (A26)" (line 2).

In claim 21, line 2, it appears that "(16)" should be --(R16)--.

In claim 22, "the null signal at the output of the decoder (23)" lacks antecedent basis; note the chain of dependency of the claim, and note claim 16 (which is not part of the chain).

At the end of claim 23, "the resistor (R26)" should be --the second resistor (R26)--, in order to clearly distinguish this recitation from other "resistors" recited in the claims (e.g. "first resistor" in claim 19).

In claim 26, lines 1-2, "the control circuit (22)" should be --the second control circuit (22)--, in order to clearly distinguish this recitation from other "control circuits" recited in the claims (e.g. "first control circuit" at claim 1, line 16).

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At the end of claim 28, "the control circuit (22)" should be --the second control circuit (22)-- (see above).

In claim 29, "the actuation of the memory circuit (25)" lacks clear antecedent basis.

In claim 30, line 16, before "10ms" should be inserted --a--.

In claim 31, line 2, one or more words should be inserted between "(CH1)" and "maintained" (e.g. "is").

In claim 32, line 1, it appears that "in the step of" should be --after the step of--, or something similar.

In claim 32, lines 3-4, "the signal receiving and demodulating circuit (24)" lacks antecedent basis.

In claim 34, line 2, the comma after "(25)" should be deleted.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 30, the phrase "electronic distancing alert system" (see e.g. line 1 of claim 1, and line 2 of claim 30) is vague as to the nature of the condition(s) being responded to by the "alert"; i.e., "distancing" would be clearer as --distance--, --distance-exceeding--, --out of range--, etc. See also line 10 of claim 1, and line 11 of claim 30.

Likewise, at claim 1, lines 9-10, "upon distancing between the first body and the second body" is vaguely worded and indefinite.

In claim 1, it is unclear if "a signal modulating and transmitting circuit (14)" (line 3) and "a PLL transmitter (14)" (lines 16-17) are the same or different elements, in view of the use of the same reference numeral after each recitation; i.e., it is unclear if the different phrases used in the claims are of the same, or different, scope.

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In claim 1, it is unclear if "a signal receiving and demodulating circuit (24)" (lines 4-5) and "a PLL receptor (24)" (lines 17-18) are the same or different elements, in view of the use of the same reference numeral after each recitation.

In claim 1, line 19, it is unclear what is meant by "the remaining period".

In claim 3, "multiple combinations of enabled logic ports" is indefinite as to which element's "logic ports" are intended.

In claim 18, it is unclear what is meant by "a separation means".

In claims 18 and 19, it is unclear if "the comparator (26)" (claim 18) and "an electronic circuit (26)" (claim 19, line 2) are the same or different elements, in view of the use of the same reference numeral after each recitation.

In claim 25, it is unclear if "a second control circuit (22)" is the same element as, or a different element than, "a second control circuit (22)" recited at claim 1, last 3 lines.

In claim 30, line 9, it is unclear which element "send(s) the signal" to the decoder; perhaps "sending" should be changed to --and to send--, --and to forward--, etc.

In claim 30, lines 14-15, "synchronizing the receiving unit (20) to be operable synchronizing to the transmitting unit (10)" is vaguely worded and indefinite.

9. Claims 1-35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and/or the objection(s) under 37 CFR 1.75(a), set forth in this Office action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The art cited by applicant (corresponding to the search report in PCT/BR02/00159) has been considered. Richards (US 6492904) and Schmidt et al (US 2004/85209) are cited to further show the state of the art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thomas J. Mullen, Jr./
Primary Examiner, Art Unit 2612